

Appl. No. 10/027,267
Amdt. dated May 6, 2005
Reply to Office Action of February 9, 2005

REMARKS

Claims 1-63 are pending in the instant application. In the Office Action mailed February 9, 2005, the Examiner rejects claims 1, 3, 12, 16, 18, 21, 22, 33-43, 45, 47-52, 54, 55, 59, 62, and 63. Claims 2, 4-11, 13-15, 17, 19, 20, 23-32, 44, 46, 53, 56-58, 60, and 61 are withdrawn.

By virtue of the amendments to the claims presented above, independent claims 1, 42, 51, 54, 55, and 63 are amended. Support for the amendments can be found in the instant application at page 4, line 24 to page 15, line 8. Based on the amendments and remarks made herein, Applicants respectfully request that the rejections be withdrawn and that the application be passed to allowance.

1. Remarks on Paragraph 7 of the Office Action mailed on February 9, 2005: Rejection of Claims 1, 12, 16, 21, 34, 35, 42, 47, and 63 Under 35 U.S.C. §102(b)

In the Office Action mailed February 9, 2005, the Examiner rejects claims 1, 12, 16, 21, 34, 35, 42, 47, and 63 as being unpatentable under 35 U.S.C. §102(b) over Australian Patent Application No. AU 199941153 to Lucas (hereinafter "the Lucas application").

With respect to claims 1 and 42, the Examiner believes the Lucas application discloses a tampon and method for producing a tampon comprising a fluid-absorbent body and a therapeutic agent located within an application region of the tampon (page 3, lines 18-23 and Figures 1 and 2). With respect to claims 34 and 47, the Examiner believes the Lucas application discloses a therapeutic agent that is applied to the surface of a tampon body. With respect to claim 35, the Examiner believes the Lucas application discloses a therapeutic agent that is applied to the surface of a tampon body. With respect to claim 63, the Examiner believes the Lucas application discloses a tampon and method for producing a tampon comprising a fluid-absorbent body and a therapeutic agent located within an application region of the tampon.

Claims 1, 42, and 63 have been amended to clarify the structure of the claimed aspects of the present invention. The Lucas application does not disclose the structure of claims 1, 12, 16, 21, 34, 35, 42, 47, and 63 as amended. In view of the remarks set forth in this section, Applicants respectfully submit that claims 1, 12, 16, 21, 34, 35, 42, 47, and 63 are in condition for allowance and respectfully request favorable consideration and the timely allowance of those claims.

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2. Remarks on Paragraph 8 of the Office Action mailed on February 9, 2005: Rejection of Claims 1, 21, 22, 39, 40, 42, 43, 55, and 62 Under 35 U.S.C. §102(b)

In the Office Action mailed February 9, 2005, the Examiner rejects claims 1, 21, 22, 39, 40, 42, 43, 55, and 62 as being unpatentable under 35 U.S.C. §102(b) over U.S. Patent No. 6,086,909 to Harrison et al. (hereinafter "the Harrison patent").

With respect to claims 1, 42, and 55, the Examiner believes the Harrison patent discloses a tampon and method for producing a tampon comprising a fluid-absorbent body 24 and a therapeutic agent 28 located within an application region of the tampon (Figure 4). With respect to claims 21, 39, and 40, the Examiner directs the Applicant to the Harrison patent (Abstract and col. 13, lines 34-60). With respect to claim 22, the Examiner believes the Harrison patent discloses the claimed therapeutic agents (col. 4, lines 43-59). With respect to claims 43 and 62, the Examiner believes the Harrison patent discloses a mucoadhesive (col. 2, lines 60-63).

Claims 1, 42, and 55 have been amended to clarify the structure of the claimed aspects of the present invention. The Harrison patent does not disclose the structure of claims 1, 21, 22, 39, 40, 42, 43, 55, and 62 as amended. In view of the remarks set forth in this section, Applicants respectfully submit that claims 1, 21, 22, 39, 40, 42, 43, 55, and 62 are in condition for allowance and respectfully request favorable consideration and the timely allowance of those claims.

3. Remarks on Paragraph 9 of the Office Action mailed on February 9, 2005: Rejection of Claims 1, 3, 16, 18, 36-39, 41, 42, 45, 48-51, 52, 55, and 59 Under 35 U.S.C. §102(b)

In the Office Action mailed February 9, 2005, the Examiner rejects claims 1, 3, 16, 18, 36-39, 41, 42, 45, 48-51, 52, 55, and 59 as being unpatentable under 35 U.S.C. §102(b) over U.S. Patent No. 3,490,454 to Goldfarb et al. (hereinafter "the Goldfarb patent").

With respect to claims 1, 3, 18, 38, 42, 45, 51, 52, and 55, the Examiner believes the Goldfarb patent discloses a catamenial product and method for producing the product, which is capable of being partially positioned within the vestibule of a wearer and contacting the non-cornified epithelium, and that the Goldfarb patent discloses a tampon product col. 2, lines comprising a fluid-absorbent body and means for carrying a formulation including a therapeutic agent (col. 2, lines 16-21; col. 3, lines 4-10; col. 4, lines 8-14). With respect to claims 36 and 49, the Examiner believes the Goldfarb patent discloses an apertured web because the Goldfarb patent discloses an open or gauze nonwoven (col. 3, lines 53-54 and col. 4, lines 8-14). With respect to claim 37, the Examiner believes the Goldfarb patent discloses the therapeutic agent applied to creped tissue (col. 3, lines 34-44). With respect to claim 39, the Examiner believes the Goldfarb patent discloses a therapeutic agent as a hydrogel (col. 6, lines 45-75). With respect to

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claim 41, the Examiner believes the Goldfarb patent discloses a therapeutic agent comprising a polymeric material (col. 8, lines 8-38). With respect to claims 48 and 50, the Examiner believes the Goldfarb patent discloses the agent is applied to various layers and between layers of the absorbent product. With respect to claim 59, the Examiner believes the Goldfarb patent discloses delivery of a therapeutic agent effect by melting a solid (col. 7, lines 1-8).

Claims 1, 42, 51, and 55 have been amended to clarify the structure of the claimed aspects of the present invention. The Goldfarb patent does not disclose the structure of claims 1, 3, 16, 18, 36-39, 41, 42, 45, 48-51, 52, 55, and 59 as amended. In view of the remarks set forth in this section, Applicants respectfully submit that claims 1, 3, 16, 18, 36-39, 41, 42, 45, 48-51, 52, 55, and 59 are in condition for allowance and respectfully request favorable consideration and the timely allowance of those claims.

4. Remarks on Paragraph 12 of the Office Action mailed on February 9, 2005: Rejection of Claim 33 as Obvious

In the Office Action mailed February 9, 2005, the Examiner rejects claim 33 as being unpatentable under 35 U.S.C. §103(a) over the Lucas application in view of U.S. Patent No. 5,585,277 to Bowie et al. ("the Bowie patent"). Applicants respectfully traverse the rejection.

Claim 33 depends from claim 1. Claim 1 has been amended to clarify the structure of the claimed aspects of the present invention. As discussed above with respect to claim 1, the Lucas application does not teach or suggest all of the claim limitations of claim 1 as amended. Nor does the Lucas application teach or suggest all of the additional claim limitations of claim 33. The Bowie patent does not correct these deficiencies because it does not teach or suggest the subject matter of claim 1 as amended. Nor does Bowie teach or suggest the subject matter of claim 33. Bowie discloses a method for screening ligands for potential pharmaceutical effectiveness and thus does not disclose a formulation including a ligand adapted to target a therapeutic agent. There is no teaching or suggestion in either reference as to why one would add a screening method to the tampon of the Lucas application.

In view of the remarks set forth in this section, Applicants respectfully submit that claim 33 is in condition for allowance and respectfully request favorable consideration and the timely allowance of that claim.

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5. Remarks on Paragraph 13 of the Office Action mailed on February 9, 2005: Rejection of Claim 54 as Obvious

In the Office Action mailed February 9, 2005, the Examiner rejects claim 54 as being unpatentable under 35 U.S.C. §103(a) over U.S. Patent No. 3,490,454 to Goldfarb et al. ("the Goldfarb patent") in view of U.S. Patent No. 4,726,976 to Karami et al. ("the Karami patent"). Applicants respectfully traverse the rejection.

Claim 54 has been amended to clarify the structure of the claimed aspects of the present invention. The Goldfarb patent does not teach or suggest all of the claim limitations of claim 54 as amended. The Karami patent does not correct these deficiencies because it does not teach or suggest the claimed structure of claim 54 as amended.

In view of the remarks set forth in this section, Applicants respectfully submit that claim 54 is in condition for allowance and respectfully request favorable consideration and the timely allowance of that claim.

In conclusion, and in view of the remarks set forth above, Applicants respectfully submit that the application and the claims are in condition for allowance and respectfully request favorable consideration and the timely allowance of claims 1-63. If any additional information is required, the Examiner is invited to contact the undersigned at (920) 721-8863.

The Commissioner is hereby authorized to charge any prosecutorial fees (or credit any overpayment) associated with this communication to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such extension is requested and should also be charged to our Deposit Account.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION

I, Mary L. Roberts, hereby certify that on May 6, 2005 this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 872-9306.

By: Mary L. Roberts
Mary L. Roberts